



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 14 2006

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: 316(b) Phase III Regulations: Petition for Review Filed by ConocoPhillips and Anadarko

FROM: Steven M. Neugeboren
Associate General Counsel
Water Law Office (2355A)

A handwritten signature in dark ink, appearing to be "S. Neugeboren", is written over the typed name and title of the sender.

TO: Benjamin H. Grumbles
Assistant Administrator for Water (4101M)

Enclosed is a copy of a petition for review, filed on July 14, 2006, by the ConocoPhillips Company and Anadarko Petroleum Corporation, in the U.S. Court of Appeals for the Fifth Circuit. At issue is EPA's final action on regulations to establish requirements for cooling water intake structures under section 316(b) of the CWA at Phase III facilities. See 71 Fed. Reg. 35006 (June 16, 2006). The petition does not specify the issues that the petitioners will raise.

This is the fourth petition EPA has received challenging the Phase III decision. The other three petitions were filed by: Massachusetts Public Interest Research Group in the First Circuit; Riverkeeper in the Second Circuit; and Surfrider Foundation in the Ninth Circuit.

I have assigned this case to Robert Stachowiak of my staff. He can be reached at (202) 564-0580.

Attachment

cc:

Via e-mail w/Attachment:

Brent Fewell
Michael Shapiro
Ephraim King
Suzanne Rudzinski
Mary Smith

Jim Hanlon
Jane Moore
Linda Boornazian
Doreen Vetter
Louise Wise

DOCKET NO. **06-60662**

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

ConocoPhillips Company and Anadarko
Petroleum Corporation, *Petitioners*

v.

United States Environmental
Protection Agency, *Respondent*

Petition for Review

U. S. COURT OF APPEALS

FILED

JUL 14 2006

CHARLES R. FULBRUGE III
CLERK

ConocoPhillips Company and Anadarko Petroleum Corporation, both Delaware corporations with principal place of business in Houston, Texas, hereby petition the Court for review of the *Final Regulations to Establish Requirements for Cooling Water Intake Structures at Phase III Facilities*, promulgated by the United States Environmental Protection Agency on June 30, 2006, a copy of which is attached hereto.

BROWN McCARROLL, L.L.P.
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By



Jackson Battle


Kurt Kuhn

ATTORNEYS FOR PETITIONERS,
CONOCOPHILLIPS COMPANY AND
ANADARKO PETROLEUM CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Petition for Review was served on the following persons by sending it by express mail, return receipt requested, on this 13th day of July, 2006:

Correspondence Control Unit
Office of General Counsel
United States Environmental Protection Agency
Ariel Rios Building (MC 2311)
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Attorney General Alberto Gonzales
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Steven L. Johnson, Administrator
United States Environmental Protection Agency
Ariel Rios Building (MC 1101A)
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Jackson Battle

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